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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 GABRIEL ALLEN ECKARD,

9 Plaintiff,

10 v.

11 PATRICIA THOMAS, et al.,

12 Defendants.
13

CASE NO. C19-104 RSM

ORDER GRANTING EXTENSION OF
TIME TO FILE OBJECTIONS AND
DENYING MOTION TO STRIKE

14 This matter is before the Court on Plaintiff's Request for Extension of Time (Dkt. #34)
15 (the "Request") and Defendants' Motion to Strike Plaintiff's Briefs Pursuant to LCR 1(d) (Dkt.
16 #36) (the "Motion"). Plaintiff's Request is noted for the Court's consideration on December 13,
17 2019. Dkt. #34. Defendants have not substantively opposed Plaintiff's Request but have asked
18 that the Court strike it. Dkt. #36. Plaintiff's reply was not yet due, and Plaintiff has not responded
19 to Defendants' Motion. Considering the Court's resolution of the Request and the need to clarify
20 the pending matters¹ for the parties, the Court finds that resolution at this time is appropriate.

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22 ¹ Additional motions are currently pending before the Court. Dkt. #37 (Plaintiff's Motion for
23 Denial of Defendant's Summary Judgment Motion Under Rule 56(f) and/or Allow Time for
24 Discovery); Dkt. #35 (Plaintiff's Motion to Alter (Amend) Judgment). The motions relate both
to Plaintiff's Motion for Summary Judgment, which was denied, and the pending Report and
Recommendation on Defendants' Motion for Summary Judgment (Dkt. #32). The combined
posture of the matters is difficult to decipher. The Court accordingly seeks to provide the parties

1 On November 22, 2019, United States Magistrate Judge Brian A. Tsuchida issued a
2 Report and Recommendation (“R&R”) recommending that the Court grant Defendants’ Motion
3 for Summary Judgment and dismiss this case with prejudice. Dkt. #32. The R&R required that
4 objections to the R&R be “filed and served upon all parties no later than December 6, 2019.”
5 Dkt. #32 at 16. On December 4, 2019, Plaintiff filed his Request seeking additional time to
6 respond to the R&R. Dkt. #34. Plaintiff indicates that he has been delayed in filing objections
7 because he is currently confined to jail and reliant on jail staff to assist him with certain
8 administrative tasks. *Id.* Where a request for an extension of time is filed before the deadline,
9 the Court need only find good cause to grant an extension. FED. R. CIV. P. 6(b)(1). The Court
10 easily concludes that Plaintiff has demonstrated good cause here.

11 Defendants have not substantively responded to Plaintiff’s Request and have instead
12 sought to strike Plaintiff’s Request. Dkt. #36. Based on biased and offensive language contained
13 in Plaintiff’s filings, Defendants request that the Court strike Plaintiff’s Request and Plaintiff’s
14 Motion to Alter (Amend) Judgment (Dkt. #35) in their entirety.² Dkt. #36. Defendants rely on
15 Local Civil Rule 1, which broadly prohibits bias. LCR 1(d). While the Court agrees that
16 Plaintiff’s language has no place in the legal setting, the Court does not find that to be a
17 reasonable basis for striking Plaintiff’s filings. Plaintiff is warned, however, that continued
18 failures to act with decorum may result in the imposition of sanctions.

19 Accordingly, and having reviewed Defendants’ motion and the remaining record, the
20 Court finds and ORDERS that:

21 _____
22 clear guidance on the status of this action. The Court addresses Plaintiff’s other motions by
23 separate orders and leaves the Report and Recommendation on Defendants’ Motion for Summary
Judgment pending.

24 ² The Court addresses Plaintiff’s Motion to Alter (Amend) Judgment separately and therein
adopts, to the extent necessary, the Court’s analysis related to Defendants’ Motion.

1. Plaintiff's Request for Extension of Time (Dkt. #34) is GRANTED. Objections may be filed and served upon all parties **no later than January 2, 2020**. The Clerk should note the matter for **January 3, 2020**, as ready for the District Judge's consideration if no objection is filed. If objections are filed, any response is due within 14 days after being served with the objections. A party filing an objection must note the matter for the Court's consideration 14 days from the date the objection is filed and served. The matter will then be ready for the Court's consideration on the date the response is due. Objections and responses shall **not exceed 10 pages**. The failure to timely object may affect the right to appeal.
2. Defendants' Motion to Strike Plaintiff's Briefs Pursuant to LCR 1(d) (Dkt. #36) is DENIED.
3. The Clerk is directed to send a copy of this Order to Plaintiff at his last known address.

Dated this 13th day of December 2019.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE